

West Virginia Department of Education
June 1-5, 2009

Scope of Review: A team from the U.S. Department of Education's (ED) Student Achievement and School Accountability Programs (SASA) office monitored the West Virginia Department of Education (WVDE) the week of June 1-5, 2009. This was a comprehensive review of the WVDE's administration of the following programs authorized by the Elementary and Secondary Education Act of 1965 (ESEA), as amended: Title I, Part A; and Title I, Part D. Also reviewed was Title VII-B of the McKinney-Vento Homeless Assistance Act (also known as the McKinney-Vento Homeless Education Assistance Improvements Act of 2001). Title III was also monitored as a part of this review; however, a separate report addressing Title III issues will be sent to WVDE.

In conducting this comprehensive review, the SASA team carried out a number of major activities. In reviewing the Part A program, the SASA team conducted an analysis of State assessments and State Accountability System Plans, reviewed the effectiveness of the instructional improvement and instructional support measures established by the State to benefit local educational agencies (LEAs) and schools, and reviewed compliance with fiscal and administrative oversight requirements required of the State educational agency (SEA). During the onsite week, the ED team visited two LEAs—Berkeley County School District (BSD) and Mineral County School District (MSD)—interviewed administrative and school staff, and conducted two parent meetings. The ED team also interviewed the SEA staff for Title I, Part A to discuss administration of the program.

In its review of the Title I, Part D program, the ED team examined the State's application for funding, procedures and guidance for the State agency (SA) application under Subpart 1 and LEA applications under Subpart 2, technical assistance provided to SAs and LEAs, the State's oversight and monitoring plan and activities, LEA subgrant plans, and local evaluations for program operated by Harrison County School Districts (HSD) and Monongalia County School Districts (MCSD). The ED team also interviewed the SEA staff for Title I, Part D to discuss administration of the program.

In its review of the Title VII, Subtitle B of the McKinney-Vento Homeless Assistance Act (Education for Homeless Children and Youth), the ED team examined the State's procedures and guidance for the identification, enrollment and retention of homeless students, technical assistance provided to LEAs with and without subgrants, the State's McKinney-Vento application, and LEA applications for subgrants, and local evaluations for projects operated by HSD and MCSD. The ED team interviewed administrative and program staff in those two districts as well as the homeless liaison from an LEA without a subgrant, Logan County School District. The ED team also interviewed the State coordinator of Education for Homeless Children and Youth programs.

Previous Audit Findings: None.

Previous Monitoring Findings: ED last reviewed Title I programs in the WVDE during the week of April 3-7, 2006. ED identified compliance findings in the following areas for Title I, Part A: State and local report cards, parental involvement policies, parental involvement notifications, and tagging of equipment.

ED identified compliance findings for Title I, Part D in the area of monitoring subgrantees. ED identified compliance findings in the McKinney-Vento program in the area of transporting students to and from their school of origin.

Overarching Requirement – SEA Monitoring

A State's ability to fully and effectively implement the requirements of the ESEA is directly related to the extent to which it is able to regularly monitor its LEAs and provide quality technical assistance based on identified needs. This principle applies across all Federal programs under ESEA.

Federal law does not specify the particular method or frequency with which States must monitor their grantees, and States have a great deal of flexibility in designing their monitoring systems. Whatever process is used, it is expected that States have mechanisms in place sufficient to ensure that they are able to collect and review critical implementation data with the frequency and intensity required to ensure effective (and fully compliant) programs under the ESEA. Such a process should promote quality instruction and lead to achievement of the proficient or advanced level on State standards by all students.

SEA met requirements.

**Title I, Part A
Summary of Monitoring Indicators**

Monitoring Area 1, Title I, Part A: Accountability			
Indicator Number	Description	Status	Page
Indicator 1.1	The SEA has approved systems of academic content standards, academic achievement standards and assessments (including alternate assessments) for all required subjects and grades, or has an approved timeline for developing them.	Met Requirements	N/A
Indicator 1.2	The SEA has implemented all required components as identified in its accountability workbook	Met Requirements	N/A
Indicator 1.3	The SEA has published an annual report card as required and an Annual Report to the Secretary.	Met Requirements	N/A
Indicator 1.4	The SEA has ensured that LEAs have published annual report cards as required.	Met Requirements	N/A
Indicator 1.5	The SEA has indicated how funds received under Grants for State Assessments and related activities (section 6111) will be or have been used to meet the 2005-06 and 2007-08 assessment requirements of the ESEA as amended.	Met Requirements	N/A
Indicator 1.6	The SEA has ensured that LEAs meet all requirements for identifying and assessing the academic achievement of limited English proficient students.	Met Requirements	N/A

Monitoring Area 2, Title I, Part A: Instructional Support

Indicator Number	Description	Status	Page
Indicator 2.1	The SEA develops procedures that ensure the hiring and retention of qualified paraprofessionals.	Met Requirements	N/A
Indicator 2.2	The SEA has established a statewide system of support that provides, or provides for, technical assistance to LEAs and schools as required.	Met Requirements	N/A
Indicator 2.3	The SEA ensures that the LEA and schools meet the parental involvement requirements.	Met Requirements	N/A
Indicator 2.4	The SEA ensures that LEAs and schools identified for improvement, corrective action, or restructuring have met the requirements of being so identified.	Met Requirements	N/A
Indicator 2.5	The SEA ensures that requirements for public school choice are met.	Met Requirements	N/A
Indicator 2.6	The SEA ensures that requirements for the provision of supplemental educational services (SES) are met.	Met Requirements	N/A
Indicator 2.7	The SEA ensures that LEAs and schools develop schoolwide programs that use the flexibility provided to them by the statute to improve the academic achievement of all students in the school.	Met Requirements	N/A
Indicator 2.8	The SEA ensures that LEA targeted assistance programs meet all requirements	Met Requirements	N/A

Monitoring Area 3, Title I, Part A: Fiduciary Responsibilities

Indicator Number	Description	Status	Page
Indicator 3.1	SEA complies with: (1) The procedures for adjusting ED-determined allocations outlined in sections 200.70 – 200.75 of the regulations; (2) The procedures for reserving funds for school improvement, State administration, and (where applicable) the State Academic Achievement Awards program; and (3) The reallocation and carryover provisions in sections 1126(c) and 1127f the Title I statute.	Met Requirements	N/A
Indicator 3.2	SEA ensures that its LEAs comply with the provision for submitting an annual application to the SEA and revising LEA plans as necessary to reflect substantial changes in the direction of the program.	Met Requirements	N/A
Indicator 3.3	SEA ensures that all its LEAs comply with the requirements in section 1113 of the Title I Statute and sections 200.77 and 200.78 of the regulations with regard to (1) Reserving funds for the various set-asides either required or allowed under the statute, and (2) Allocating funds to eligible school attendance areas or schools in rank order of poverty based on the number of children from low-income families who reside in an eligible attendance area.	Met Requirements	N/A
Indicator 3.4	<ul style="list-style-type: none"> SEA complies with the maintenance of effort (MOE) provisions of Title I. SEA ensures that its LEAs comply with the comparability provisions of Title I. SEA ensures that Title I funds are used only to supplement or increase non-Federal sources used for the education of participating children and do not supplant funds from non-Federal sources. 	Met Requirements	N/A
Indicator 3.5	SEA ensures that its LEAs comply with all the auditee responsibilities specified in Subpart C, section 300(a) through (f) of OMB Circular A-133.	Met Requirements	N/A
Indicator 3.6	SEA ensures that its LEAs comply with requirements regarding services to eligible private school children, their teachers and families.	Findings	7-8
Indicator 3.7	SEA complies with the requirement for implementing a system for ensuring prompt resolution of complaints.	Met Requirements	N/A
Indicator 3.8	SEA complies with the requirement to establish a Committee of Practitioners and involves the committee in decision-making as required.	Recommendation	8

Monitoring Area 3, Title I, Part A Fiduciary Responsibilities

Indicator 3.6 - SEA ensures that its LEAs comply with requirements regarding services to eligible private school children, their teachers and families.

Finding 1: The WVDE has not ensured that its LEAs have exercised proper oversight in awarding contracts for the provision of Title I services to participating private school students. The contract that BSD has with a third-party to provide services to participating private school students does not have enough detail to enable BSD to determine that the Title I statutory and regulatory requirements will be met. The contract does not delineate the specific amount that the contractor is charging for administration, the amount of funds for instruction, family involvement, nor professional development. Additionally, the contract does not provide a cap on the total amount of funding for services to private school students, their teachers and families.

Citation: Section 9304(a) of the ESEA requires that the SEA ensure that programs authorized under the ESEA are administered in accordance with all applicable statutes, regulations, program plans, and applications.

Section 1120(a)(3) of the ESEA requires that educational services to eligible private school children be equitable in comparison to services for public school children.

Section 200.77(f) of the Title I regulations requires that LEAs reserve such funds as necessary to administer Title I programs for both public and private school children, including capital expenses, if any, incurred in providing services to eligible private school children, such as (1) the purchase and lease of real and personal property; (2) insurance and maintenance costs; (3) transportation; and (4) other comparable goods and services, including non-instructional computer technicians.

Further action required: The WVDE must require BSD and all its LEAs that provide services to private school students to ensure that third party contractors are providing Title I services to eligible private school children, their teachers, and their families in accordance with all Title I requirements. The BSD must require its LEAs to have signed contracts or agreements with third parties that provide technical descriptions of the Title I services with detail sufficient to enable LEAs to determine that the Title I statutory and regulatory requirements will be met. Contracts must specify the amount or percentage for administrative costs. Contracts for more than one type of service, for example, for services for private school students, and, if applicable, family involvement and/or professional development must delineate the specific amount(s) for each type of activity. The WVDE must provide ED with a detailed description of how and when it informed its LEAs of this requirement, what technical assistance it has or will provide to them regarding this requirement, how it will monitor this requirement, and a copy of one contract from BSD that meets these requirements.

Finding (2): The WVDE has not ensured that its LEAs have adequate procedures and internal controls to account for materials, equipment, and property purchased with Title I funds or their use within private schools served by the LEA. Officials in BSD could not provide evidence that they maintained a list of equipment and materials bought for the private school with Title I funds. The equipment paid for with Title I funds were not properly labeled as the property of the LEA. This is an LEA responsibility and cannot be handled by the private school.

Citation: Section 1120(d)(1) of the ESEA requires that the control of the Title I funds, and title to materials and equipment, purchased with Title I funds shall be in the LEA, and the LEA shall administer the funds, materials, equipment and property.

In addition, section 80.32(d) of the Education Department General Administrative Regulations (EDGAR) requires that a control system be developed by recipients of Federal funds to ensure that there are adequate safeguards to prevent loss, damage, or theft of the property.

Section 200.66(b)(1) of the Title I regulations requires that an LEA use Title I funds, and all materials and equipment purchased with Title I funds, solely to meet the educational needs of participating private school children.

Further action required: The WVDE must require all its LEAs serving private school children to implement adequate procedures and internal controls to account for the location, custody, and security of materials, equipment, and property purchased with Title I funds for private schools. These procedures must include the proper labeling of materials and equipment purchased with Title I funds, policies and procedures to ensure that private school officials do not use these materials and equipment with ineligible children, and disposal procedures. The WVDE must provide ED with a copy of BSD's equipment and materials inventory.

Indicator 3.8 – Committee of Practitioners

Recommendation: The ED team recommends that the WVDE develop formal operational procedures for its committee of practitioners. The procedures should include information such as how the SEA advertises for its members, qualifications needed, the committee's charge, and how members will be removed or replaced.

**Title I, Part D
Summary of Monitoring Indicators**

Neglected, Delinquent or At-Risk of Dropping-Out Program			
Indicator Number	Description	Status	Page
Indicator 1.1	The SEA implements all required components as identified in its Title I, Part D (N/D) plan.	Met Requirements	N/A
Indicator 1.2	The SEA ensures that State agency (SA) plans for services to eligible N/D students meet all requirements.	Met Requirements	N/A
Indicator 1.3	The SEA ensures that local educational agency (LEA) plans for services to eligible N/D students meet all requirements.	Met Requirements	N/A
Indicator 2.1	The SEA ensures that institution-wide programs developed by the SA under Subpart 1 use the flexibility provided to them by law to improve the academic achievement of all students in the school.	Met Requirements	N/A
Indicator 3.1	The SEA ensures each SA has reserved not less than 15 percent and not more than 30 percent of the amount it receives under Subpart 1 for transition services.	Met Requirements	N/A
Indicator 3.2	The SEA conducts monitoring of its subgrantees sufficient to ensure compliance with Title I, Part D program requirements.	Met Requirements	N/A

**McKinney-Vento Homeless Education Program
Summary of Monitoring Indicators**

McKinney-Vento Homeless Education Program			
Indicator Number	Description	Status	Page
Indicator 1.1	The SEA collects and reports to ED assessment data from LEAs on the educational needs of homeless children and youth.	Met Requirements	N/A
Indicator 2.1	The SEA implements procedures to address the identification, enrollment and retention of homeless students.	Finding	10
Indicator 2.2	The SEA provides, or provides for, technical assistance for LEAs to ensure appropriate implementation of the statute.	Met Requirements	N/A
Indicator 3.1	The SEA ensures that LEA subgrant plans for services to eligible homeless students meet all requirements.	Met Requirements	N/A
Indicator 3.2	The SEA ensures that the LEA complies with providing comparable Title I, Part A services to homeless students attending non-Title I schools.	Met Requirements	N/A
Indicator 3.3	The SEA has a system for ensuring the prompt resolution of disputes.	Met Requirements	N/A
Indicator 3.4	The SEA conducts monitoring of LEAs with and without subgrants sufficient to ensure compliance with McKinney-Vento program requirements.	Met Requirements	N/A

McKinney-Vento Homeless Education Program

Indicator 2.1 - The SEA implements procedures to address the identification, enrollment and retention of homeless students.

Finding: The ED team was unable to determine the status of the residential facilities in HSD and MCSD as either homeless shelters or institutions for neglected and delinquent children and youth. Children in the facilities in these two counties were receiving services from both the McKinney-Vento program and the Title I, Part D program. They also received services from a Title I, Part A set-aside for homeless children. Furthermore, the ED team was unable to determine the appropriate designation for the children residing in these facilities as either homeless or neglected or delinquent. This issue came to light as the ED team representative was asking questions about why the children at the facilities were not receiving their basic education at the schools in the LEA but appeared to be segregated from the mainstream school environment. It would not have been appropriate to separate the children from the mainstream school environment if they are homeless.

Citations: Section 725(2)(A) of the McKinney-Vento Homeless Education Assistance Act defines the term “homeless children and youth” as “individuals who lack a fixed, regular, and adequate nighttime residence.

Section 722(3) of the McKinney-Vento Homeless Assistance Act states that homelessness alone is not sufficient reason to separate students from the mainstream school environment.

Further action required: The WVDE must investigate the status of the residential facilities in HSD and MSCD to determine if they are homeless shelters or institutions for neglected or delinquent youth. They must also investigate the status of the children at the shelters to determine if they meet the statutory definition of homeless student, or if they are neglected or delinquent children and youth. The WVDE must submit a report to ED with information on the classification of each facility and for which services the children are eligible. If the facilities are institutions for neglected or delinquent youth, the WVDE must ensure that the children do not receive services from the McKinney-Vento program or from the Title I, Part A set-aside for homeless students. If the facilities are homeless shelters, the WVDE must ensure that the children do not receive services from Title I, Part D. The WVDE must also submit to ED copies of the time and effort logs for the 2008-2009 school year for all staff employed with Title I or McKinney-Vento funds that serve students in these facilities, and a description of the services they provide.